



CITY OF KIRKLAND

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
123 FIFTH AVENUE, KIRKLAND, WA 98033
425.587.3225 - www.kirklandwa.gov

To: Hearing Examiner

From: Judd Tuberg
Code Enforcement Officer

Date: July 25, 2012

Subject: HEARING FOR GREGORY D.KENDRICK JR., NOTICE OF CIVIL VIOLATION FOR VIOLATION OF THE KIRKLAND PROPERTY MAINTENANCE CODE REQUIRING THAT ALL PREMISES AND EXTERIOR PROPERTY BE MAINTAINED FREE OF WEEDS AND GRASS IN EXCESS OF EIGHTEEN INCHES, KMC 21.41.302 (d) (2), LOCATED AT 9109 NE 117th PL, KIRKLAND, WA; PLANNING DEPARTMENT FILE NO.COM12-00185.

I. INTRODUCTION

City of Kirkland staff ("staff") offer this staff report with regard to the above-referenced Code Enforcement matter. The person(s) responsible for the violation is Gregory D. Kendrick, Jr. ("respondent").

II. ISSUES PRESENTED

- A. Do the weeds, grass and blackberries maintained on the premises and exterior property at the above address (the subject property) violate the Kirkland Property Maintenance Code regulating weeds and grass in excess of eighteen inches?
- B. Is the respondent required to remove weeds, grass and blackberries in excess of eighteen inches from all premises and exterior property at the above address?
- C. Is the respondent responsible for monetary penalties of \$100.00 per day if he fails to comply with the Kirkland Property Maintenance Code after a compliance date is set by the Hearing Examiner if the Notice of Civil Violation is affirmed?

III. STATEMENT OF FACTS

- A. The site is zoned RSA 4. The subject property was purchased in 2006 by the respondent, and is currently occupied by the respondent. The City received a written complaint on June 21, 2012, about large amounts of approximately 10

foot high grass, weeds and blackberries maintained on the subject property, and coming into complainant's yard.

- B. On June 26, 2012, I confirmed a considerable amount of overgrown weeds, grass and blackberries 6-8 feet in height on the premises and exterior property and extending onto 4 sides of the subject property in violation of KMC 21.41.302(d)(2).
- C. I issued a Notice of Civil Violation to respondent Gregory D. Kendrick on July 11, 2012, posted 2 laminated copies at the north side of the subject property, and sent him a copy by US Postal Mail. I had previously been unable to contact the respondent at this site, and he had not responded to my June 26, 2012, message left on the on my business card to call me at the Planning Dept.
- D. On July 12, 2012, The respondent contacted me and agreed to promptly hire a contractor to remove the large amount of overgrown weeds, grass and blackberries in excess of eighteen inches from the subject property , and comply with KMC 21.41.302(d)(2). On July 23, 2012, I inspected the subject property and observed that the only portion of the overgrown weeds, grass and blackberries that had been removed were located on the north side of the subject property. I contacted the respondent by telephone and he indicated that it was too expensive to hire the contractor to complete the removal at a contract bid cost of \$3,600.00. The respondent indicated that he would not comply with the July 30, 2012, 5:00 p.m. compliance date for corrective action provided in the Notice of Civil Violation issued to him on July 11, 2012.
- E. As of July 25, 2012, (2 weeks after the Notice of Civil Violation was issued to the respondent), the violation of KMC 21.41.302(d)(2) continues.

IV. LEGAL ANALYSIS

- A. KMC 21.41.302(d)(2) requires that all premises and exterior property be maintained free from weeds and grass in excess of eighteen inches.
- B. Because a large amount of weeds, grass and blackberries exceed eighteen inches, the weeds, grass and blackberries must now be removed from the subject property.
- C. If the respondent fails to complete the removal in a timely manner, applicable code KMC 1.12.040 designates a monetary penalty of \$100.00 per day.

V. CONCLUSION

- A. The Planning Department's investigation confirmed a clear violation of the KMC. The large amount of weeds, grass, and blackberries currently maintained in excess of eighteen inches are subject to immediate removal and abatement per KMC 21.41.302(d)(2).
- B. The City requests that if the Notice of Civil Violation is affirmed that monetary penalties of \$100.00 per day be imposed on the respondent setting a

compliance date that allows a reasonable time for the removal, and thereafter commencing monetary penalties of \$100.00 per day until the assigned code enforcement officer certifies that the violation has been corrected in this matter.

Exhibit:

A. Staff Report

Attachments:

1. Notice of Civil Violation
2. Affidavit of Service
3. Complaint dated June 21, 2012 - Complaint Investigation Request (response#736)
4. Photo Documentation



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NOTICE OF CIVIL VIOLATION

(Kirkland Municipal Code 1.12.040)

Date: July 11, 2012		Case Number: COM12-00185	
<u>Property Owner Information</u>		<u>Violation Information</u>	
Name: Gregory D. Kendrick Jr.		Site Address: 9109 NE 117th PL	
Address: 9109 NE 117th PL		City, State, Zip: Kirkland, WA 98034	
City, State, Zip: Kirkland, WA 98034		Parcel #: 375450-0005	
Code Provision(s) Violated:		Section 21.41.302(d)(2), Kirkland Property Maintenance Code, Kirkland Municipal Code.	
Description of Violation:		Maintaining or allowing grass, weeds, and blackberries, in excess of eighteen inches in height on the premises and exterior property at 9109 NE 117th PL, Kirkland, WA in violation of Section 21.41.302(d)(2), Kirkland Property Maintenance Code.	
Inspection Dates:		June 26, 2012, and July 6, 2012.	
Date(s) of Violation:		July 11, 2012, and each day or portion thereof thereafter until the violation continues until the violation is certified as corrected by the Code Enforcement Officer.	
Person(s) Responsible For:		Gregory D. Kendrick Jr.	
Request for Voluntary Compliance:		Gregory D. Kendrick Jr. has not responded to my DPCD card left on June 26, 2012 at the North side entrance door of the residence at 9109 NE 117th PL, Kirkland, WA with the message to call me at DPCD.	
Corrective Action and Compliance Date:		By 5:00 p.m. July 30, 2012, remove all grass, weeds and blackberries in excess of eighteen inches in height from all premises and exterior property at 9109 NE 117th PL, Kirkland, WA (Parcel # 375450-0005), and subsequently maintain this property in compliance with Section 21.41.302(d)(2), Kirkland Property Maintenance Code.	
Hearing Date:		August 2, 2012.	

HEARING NOTICE: On August 2, 2012 at 9:00 a.m. the Kirkland Hearing Examiner shall hold a hearing in City Council Chambers, 123 5th Avenue, Kirkland, WA, 98033, 2nd floor, Kirkland City Hall relating to the above issued Notice of Civil Violation. If the required corrective action is completed AND written approval is obtained from the issuing party at least 48 hours prior to the hearing, the hearing shall be cancelled and no monetary penalty assessed. If you choose NOT to complete the required corrective action by that time, the hearing shall continue as scheduled.

HEARING EXAMINER HEARING: At the hearing, staff may request the Examiner to issue an order assessing the monetary penalties in the amounts described below. Recovery of costs and expenses of abatement incurred by the City pursuant to KMC 1.12.060(d), and monetary penalties in the amount per day for each violation as specified in KMC 1.12.040(e) may be assessed against the person responsible for the civil violation as listed above.

- ☒ First violation\$100.00
☐ Second violation.....\$200.00
☐ Third violation.....\$300.00
☐ Additional violation in excess of three.....\$500.00

Payment of a monetary penalty pursuant to Chapter KMC 1.12.040 does not relieve the person to whom the Notice of Civil Violation was issued of the continued duty to correct the violation.

ISSUED BY: Judd Tuberg, Code Enforcement Officer
Phone: (425)587-3290 - Email: jtuberg@kirklandwa.gov

METHOD OF SERVICE:

- ☐ Hand Delivered ☒ Postal Mail ☒ Posted at Subject Property Site



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CITY OF KIRKLAND AFFIDAVIT OF SERVICE – NOTICE OF CIVIL VIOLATION

STATE OF WASHINGTON)
)§
COUNTY OF KING)

Judd Tuberg, being first duly sworn on oath, deposes and says: that I am a citizen of the United States of America, over the age of 21 years, that I am competent to be a witness herein; that I did serve one (1) Notice of Civil Violation to:

Gregory D. Kendrick Jr.
9109 NE 117th PL
Kirkland, WA 98034



by means of:

- ☐ HAND DELIVERED
☒ REGULAR MAIL, first class postage prepaid
☒ POSTED AT SITE (OF VIOLATION)
(An inhabited site at 9109 NE 117th PL, Kirkland WA)

on the 11th day of July, 2012, PM

Affiant

Department of Planning and Community Development

Judd Tuberg

Signed and sworn to before me this 24th day of July, 2012.

Caryn Lynn Saban
Signature of Notary Public in and for the State of Washington

Caryn Lynn Saban
Printed name of Notary Public

Residing at: Kirkland

My commission expires: 06-08-15

cc: File COM12-00185

From: [City Webmaster](#)
To: [PCDcomplaints](#)
Subject: Complaint Investigation Request (response #736)
Date: Thursday, June 21, 2012 12:29:56 PM

Complaint Investigation Request (response #736)

Survey Information

Site:	City Website
Page Title:	Complaint Investigation Request
URL:	http://www.kirklandwa.gov/depart/Planning/Code_Enforcement/Complaint_Investigation_Request.htm
Submission Time/Date:	6/21/2012 12:29:27 PM

Survey Response

IDENTIFICATION OF PROBLEM	
Address: (Specific address needed in order to investigate complaint)	9109 NE 117th PI
Occupant/Business:	<input type="text" value="Occupant"/>
City/State/Zip:	Kirkland, WA 98034
Phone Number:	
Does this complaint involve a permit or license issued by the City of Kirkland?	<input type="text" value="No"/>
If yes, please specify permit number and type.	
Details of Complaint (Be specific as to time, duration, location of violation, identities of responsible parties, actions of parties, and nature of complaint, continue on back if needed).	Overgrown yard - weeds approximately 10 feet high. Front, back and side yards all in need of MAJOR clean-up. Blackberries throughout side and back yard pushing through the fence into our yard. Weeds growing everywhere - also coming into our yard.
COMPLAINANT	
Name:	<input type="text" value="REDACTED"/>
Phone Number:	<input type="text" value="REDACTED"/>
Address:	<input type="text" value="REDACTED"/>
City/State/Zip:	<input type="text" value="REDACTED"/>
E-mail Address:	<input type="text" value="REDACTED"/>
Has this complaint been reported previously?	<input type="checkbox"/>
If yes, by whom and to whom	

specifically was the complaint reported?	
What action resulted from the complaint?	
Would you like to be contacted to know the kind of action that will be taken?	<input type="checkbox"/>
Have you or your neighbors spoken with the individual(s) in question in order to resolve the problem?	<input type="checkbox"/>
This complaint will constitute a public record upon submittal to the City and may be subject to disclosure under the public records act (RCW 42.56)."	





